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No. 84-433.

In the Supreme Court of the United States.

OCTOBER TERM, 1984.

SCHOOL COMMITTEE OF THE TOWN OF BURLINGTON, MASSACHUSETTS, TOWN OF BURLINGTON, MASSACHUSETTS,
PETITIONERS,
v.
DEPARTMENT OF EDUCATION OF THE COMMONWEALTH OF MASSACHUSETTS, ROBERT PANICO A/K/A JOHN DOE, SR., AS HE IS NEXT FRIEND OF MICHAEL PANICO A/K/A JOHN DOE, JR.,
RESPONDENTS.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT.

Objection of Petitioners to Motion for Leave to File Brief Amici Curiae on Behalf of Developmental Disabilities Law Center, Center for Law and Education, Massachusetts Advocacy Center, Federation for Children With Special Needs, Association for Children and Adults With Learning Disabilities, Epilepsy Foundation of America, National Society for Children and Adults With Autism, and the Association for Persons With Severe Handicaps.

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Petitioners object to the Motion of the above-named parties to file a brief, *Amici Curiae*. Rule 36.3 of the rules of this

Court states in part, concerning a motion for leave to file a brief *Amicus Curiae*:

> The motion shall concisely state the nature of the applicant's interest, set forth facts or questions of law that have not been, or reasons for believing that they will not adequately be, presented by the parties, and their relevancy to the disposition of the case; and it shall in no event exceed five pages in length.

The motion filed on behalf of the above-named parties does not begin to comply with this rule. It does not "set forth facts or questions of law that have not been" adequately presented, nor does it set forth any "reasons for believing" that any facts or questions of law have not been adequately presented. Indeed, the would-be *Amici* have told the Court nothing more than that they "have had extensive involvement with the enactment and implementation of" EHA and "believe that the Court would benefit" from their arguments, apparently because they have "a broader perspective" than the parties.

Petitioners have withheld consent to the motion to file the brief, *Amici Curiae*. Respondents have filed exhaustive briefs in this case. There are two separately represented respondents, the Department of Education of the Commonwealth of Massachusetts and the parents of the handicapped child, each represented by highly competent counsel supported by a large staff. Moreover, as might be expected, the briefs of the respective respondents are complementary in several respects, the brief for the Department emphasizing the respect allegedly due the findings of the Hearing Officer and the brief for the parents emphasizing how petitioners' proposed construction of EHA would impinge upon this child and children similarly situated.

Petitioners, on the other hand, are singly represented by a four member firm. To require that petitioners' counsel read,

digest, and, if need be, respond to an additional 59 page brief is to impose on them unduly. It also imposes upon this Court, which will certainly have, without the brief of the would-be *Amici*, more than sufficient reading and more than adequate access to all sides of the questions presented.

Petitioners, therefore, object to the motion to file a brief *Amici Curiae*.

Respectfully submitted,

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